

## What is the major plan review process?

The major plan review process is divided into two categories: major site master plans and major subdivision master plans. These are plans that can only be approved if certain specified findings per the Wake Forest Unified Development Ordinance (UDO) are met. The decision making process for a major plan review is “quasi-judicial” and is subject to demanding procedural rules, including the requirement of a formal evidentiary public hearing.

## What developments require the major plan review process?

The major subdivision master plan review process is required for those divisions of land into four or more lots, or which require dedication of public utilities and/or public streets. The major site master plan review process includes all residential developments over 100 units and any land use requiring an Enhanced Transportation Impact Analysis (see chart below):

Office	>350,000 sf
Hotel	>500 rooms
Industrial or Warehouse	>1,000 employees
Retail/Shopping Center	>100,000 sf
Other	>500 peak hour trips

## Where does the major plan review process begin?

A landowner or developer submits a major site or subdivision master plan to the Wake Forest Planning Department. Once a meeting date is assigned (usually the first Tuesday of the month), public hearing notices are published in the local newspaper two weeks prior to the meeting, the property is posted with a public hearing notice sign and informational letters about the proposal are mailed to property owners within 100 feet of the subject property.



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# A Citizen's Guide to the Major Plan Review Process



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## Who conducts the hearing for a major plan review?

Requests for major plan review are heard at a joint public hearing of the Wake Forest Board of Commissioners and the Wake Forest Planning Board. The hearing is conducted by the town attorney.

## Who can speak at the public hearing for a major plan review?

Typically, only those parties whose legal rights are directly affected are entitled to participate. The person who initiates the application for a major plan review is considered a “party” to the proceedings whose legal rights are directly affected. A person who is directly affected by the decision (such as a neighbor whose property value may be affected) may also participate in the hearing and can be considered a “party” as well. Those offering testimony are placed under oath. This should remind those speaking of the seriousness of the matter and the necessity of presenting factual information, not opinions or speculation. The oath is administered by the town attorney.

## What can be said or presented in favor or against a major plan review application?

When addressing the boards during a major plan review hearing, speakers must present competent evidence related to the findings as outlined in the Wake Forest Unified Development Ordinance. All evidence submitted to the boards must be “competent” to support the findings required to approve a major site or subdivision master plan. If someone makes a statement used as evidence to establish a fact, the person making the statement must be present at the hearing to testify. As such, letters, emails, or similar information may not be submitted into the record as evidence unless the authors are present at the meeting. Petitions against or in favor of an application are not considered evidence and are not permitted to be submitted into the record.



## How long can I speak at the hearing?

In Wake Forest, the time limit is typically five minutes per speaker. There is no limit on the number of speakers, but the boards may request that all speakers present new information rather than repeat information given by others.

## What's the difference between competent evidence and opinion evidence?

Only “competent evidence” can be submitted at major plan review hearings. Competent evidence is information that is verifiable and from a source that can be considered an expert. For example, evidence presented to support the finding that adequate infrastructure (i.e. transportation) exists to support the plan as proposed must come from a certified traffic engineer.

Opinion evidence (unless offered by a properly qualified expert witness) is generally not allowed and cannot be the basis for critical findings. For example, an opinion not backed by fact, or from an unqualified source, that a proposed plan will create traffic congestion does not rise to the level of competent evidence and cannot be considered when making decisions.

## What can I expect to happen during the public hearing?

Once the public hearing is opened, town staff will review their report of the proposed request. Next, the applicant will address the boards and present evidence in support of the request. At this time, the boards are permitted to question the applicant to clarify the information presented. Once the applicant is finished, citizens are able to present evidence either in support of, or against, the application. Citizens may question, or cross examine, the applicant and, vice-versa.

## Can I contact a board member and discuss a major plan review application?

No. Members of the Planning Board and Board of Commissioners are not allowed to discuss the case or gather evidence outside of the public hearing. Only facts presented to the full boards at the hearing may be considered. Board members are not permitted to discuss the case with applicants or neighbors outside of the hearing.

## What are the specified findings required to approve a major plan review application?

The following findings of facts must be made in order to approve a major plan review application:

- The plan is consistent with the adopted plans and policies of the town;
- The plan complies with all applicable requirements of the Unified Development Ordinance;
- There exists adequate infrastructure (transportation and utilities) to support the plan as proposed; and
- The application will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

Once the public hearing is closed, the Planning Board will vote to recommend approval, approval with conditions, or denial of the application. The Planning Board has up to 45 days to take action. Once the Planning Board takes action, the recommendation and application is then forwarded to the Board of Commissioners for consideration at their next scheduled meeting (usually the third Tuesday of the month). Anyone can attend this meeting, but no further evidence may be presented to the Board of Commissioners at this meeting.

For further questions, contact the Wake Forest Planning Department at 919-435-9510 or visit [www.wakeforestnc.gov](http://www.wakeforestnc.gov).